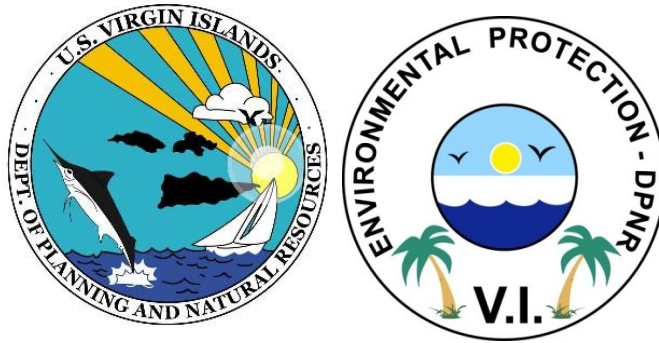


Responsiveness Summary

2016 US Virgin Islands Assessment Methodology

February 2016



Prepared By:

**Department of Planning & Natural Resources
Division of Environmental Protection**

I. Introduction

The Virgin Islands Department of Planning and Natural Resources (DPNR) Division of Environmental Protection (DEP) has prepared this report to summarize and respond to the comments received on the public noticed draft of the US Virgin Islands 2016 Assessment Methodology document (AM document).

Comments were only received from the United States Environmental Protection Agency Region 2 (EPA) staff during the 30-day public notice period. The public comment period began on January 12, 2016 and ended on February 11, 2016. The public comment period was published on the VIDPNR website and VIALERT website. The public notice was available on the following URL:

<https://login.vialert.gov/Public/News/AllHazPRView.aspx?notID=3385348&refer=HOME&source=WEB&messageID=AghxO4T6A&>. Additionally, the public notice was posted on the DPNR-DEP website at the following link:

<http://dpmr.vi.gov/environmental-protection/public-notices/>

II. Comments

During the public comment period, DPNR only received comments from the United States Environmental Protection Agency. Below is a summary of the comments received by DPNR and DPNR's responses to those comments:

Comments received on the Draft List of Impaired Waters and Narrative

Number	Comment	Response
1.	<p><i>Page 5: Class "A" Waters</i></p> <p>EPA would also like DPNR to consider adding the following language to Section 2.2 (page 5) after "In no case shall Class B water quality standards be exceeded."</p> <p><i>"Assessing Class A Waters When Insufficient Data Exists to Determine Natural Conditions in the Class A Water</i></p> <p><i>Currently there is insufficient information to determine natural conditions in Class A waters. The phrase "In no case shall Class B Water Quality Standards be exceeded" within the narrative water quality criteria for Class A waters is interpreted to mean that until sufficient data is available to determine natural conditions</i></p>	<p>DPNR agrees with this statement, and added the language as suggested.</p>

	<p><i>in Class A waters, in no case shall Class B numeric water quality criteria be exceeded in Class A waters. Data continues to be collected to determine natural conditions in Class A waters. Until such time as natural conditions are determined for a particular Class A water: (1) if data indicate that all Class B numeric water quality criteria are not exceeded in a Class A water, that Class A water will be placed into Category 3 for insufficient information to determine attainment status; and (2) if data indicate that any Class B numeric water quality criteria are exceeded in a Class A water, that Class A water will be placed into Category 5 as impaired for the pollutant(s) causing the exceedance(s)."</i></p>	
2.	<p>Page 6: 2.3 Monitored Waters</p> <p>There are a total of 48 monitored waters that fall under each class but in the far right column there are only 47 AU's monitored. Is this a mistake?</p>	<p>This was not a mistake. One AU contains both Class B and C waters, so was counted once for Class B and once for Class C. However, the AU will be considered Class B waters as a whole, as the WQS are more stringent in Class B waters.</p>
3.	<p>Page 6: 2.3 Monitored Waters</p> <p>Can DPNR list how many of these unmonitored AU's have monitoring sites within them but were not monitored this cycle?</p>	<p>A list of these AUs has been added in the following section, 2.4 Unmonitored Waters.</p>
4.	<p>Page 6: 2.4 Unmonitored Waters</p> <p>Can DPNR put a timeline for when we expect a new strategy to assess the unmonitored waters will be available. Maybe by the 2018 Integrated report?</p>	<p>Added timeline to implement by 2020 IR.</p>

5.	<p><i>Page 12: 3.1.2 Evaluation of External Data</i></p> <p>EPA comments on the 2014 IR referenced several sources of data that were not used in that IR but, after appropriate consultation with EPA assessment staff, could be used for the next IR (even if slightly outside the evaluation period)</p>	<p>NOAA was contacted but didn't offer this data during the data solicitation public notice. An Appendix A was added as requested for list of those contacted directly during the data solicitation public notice period via letter, which includes NOAA.</p>
6.	<p><i>Page 12: 3.1.2 Evaluation of External Data</i></p> <p>Can DPNR put a timeline for when we expect a new SOP for the evaluation of secondary data will be available. Maybe by the 2018 Integrated report?</p>	<p>Added timeline to implement by 2020 IR.</p>
7.	<p><i>Page 13: 3.4 Identify exceedances of water quality standards</i></p> <p>Both Ambient and Entero should be assessed as "Shall not exceed the 30 day geometric mean of 30 CFU/100mL and no more than 10 percent of the samples collected in the same 30 days shall exceed 110 CFU/100mL.</p>	<p>At the time of the development of this AM document and the associated 303(d) list, the 2015 WQS have not yet been fully approved by EPA, so DPNR is using the 2010 WQS criteria for assessment.</p>
8.	<p><i>Page 13: 3.4 Identify exceedances of water quality standards</i></p> <p>Can you define here which types of turbidity (clarity) data are being used: laboratory-generated, multi-parameter sonde, and/or secchi disk reading?</p>	<p>DPNR has provided clarification as requested.</p>
9.	<p><i>Page 14: Future Assessment Methodologies to be Included</i></p> <p>Can DPNR outline tentative timeframes for the completion of each of these tasks, for example, wetland assessment data (2018)?</p>	<p>References to the 2015 USVI MYMS are added, which provide further details on timeframes.</p>

10.	<p>Page 16: 3.8 Listing Rules: Minimum number of samples</p> <p>In reference to the second sentence under this section: Should this be Or not and? DPNR isn't saying that if one or more weekly beach monitoring/sample are missed that a water will not be listed, right?</p>	<p>To clarify, this sentence has been removed. The first sentence is sufficient to explain the minimum number of samples needed by DPNR to properly assess a waterbody.</p>
11.	<p>Page 16: 4.0 Designated Use Attainment</p> <p>Can DPNR put a timeline for when we expect a contractor to be able to develop a new waterbody delineation for VI? Maybe by the 2018 Integrated report?</p>	<p>Added timeline to implement by 2020 IR.</p>
12.	<p>Page18: 4.2.1 Microbiological Assessment</p> <p>Various edits to Class B criteria from 2010 WQS to 2015 WQS</p>	<p>As noted above in Comment 7: At the time of the development of this AM document and the associated 303(d) list, the 2015 WQS have not yet been fully approved by EPA, so DPNR is using the 2010 WQS criteria for assessment.</p>
13.	<p>Page 19: 4.2.2 Beach Closure Assessment</p> <p>Can you explain what you mean by "enforced?"</p>	<p>Clarification was added that DPNR-DEP-WQM cannot restrict beach access. However, VI Dept. of Health or VI Waste Management Authority can, and do so using enforcement officials during serious threats to human health.</p>
14.	<p>Page 19: 4.2.2 Beach Closure Assessment</p> <p>Can you clarify if Beach sample are taken once or twice a week?</p>	<p>Clarification was added as follows:</p> <p><i>"Beaches which are listed as not suitable for fishing or swimming in the weekly Beach Program have had samples collected which exceed the standard within that monitoring week. Those beaches that are re-sampled according to the BEACH QAPP and exceed the standard twice within that monitoring week shall be listed as well. The raw data collected by the Beach Program at the program's 43 designated beached are used to calculate the geometric mean for each designated beach on a quarterly</i></p>

		<i>basis, and that data is used in assessment.”</i>
15.	<p><i>Page 20: 4.3.1 Toxicant Assessment (Aquatic Life) / Toxicity Assessment</i></p> <p>Did DPNR ever define slight or infrequent?</p> <p>In reference to the Not Supporting condition: This is confusing. Many tests? Or not supporting when violating listing targeting sample size of 2 exceedances over 8 quarters or 2 years of data?</p>	<p>Added specific clarification of each condition for use support, as follows:</p> <ol style="list-style-type: none"> <i>Fully Supporting: No toxicants or toxicity noted in either acute or chronic tests compared to controls or reference conditions.</i> <i>Partially Supporting: No toxicants or toxicity noted in acute tests, but may be present in chronic tests less than two (2) times within the minimum data set.</i> <i>Not Supporting: Toxicants or toxicity noted in two (2) or more tests within the minimum data set.</i>
16.	<p><i>Page 20: 4.3.2 Habitat Assessment</i></p> <p>Comments on definition of “slight to moderate”, “some”, “moderate to severe”, “heavy”:</p> <p>How will DPNR determine this?</p>	<p>These will be defined and/or quantified as a result future meetings to address habitat assessment and the current data gaps.</p>

17.	<p><i>Page 21: 4.3.3 Conventional Assessment:</i></p> <p>In reference to the second sentence: This is confusing and should stick with what DPNR has outlined as the minimum number of exceedances needed to determine an impairment is in place.</p>	<p>This sentence was removed and replaced with the following:</p> <p>A waterbody is determined to be impaired if there is an exceedance of a specific parameter two (2) or more times within the minimum data set of 8 quarters.</p>
18.	<p><i>Page 21: 4.3.3 Conventional Assessment</i></p> <p>Could DPNR put the Turbidity and pH criteria here to stay consistent with the listing of criteria of DO and temperature above?</p>	<p>Criteria added.</p>
19.	<p><i>Page 21: 4.3.3 Conventional Assessment</i></p> <p>In reference to the “natural condition” note: So far, the issue is not being considered for the 2018 triennial WQS review. If DPNR is willing to address this issue, as stated, it will need to be added to the final draft for the 2018 VIWQSR and can you put here that this will be addressed in the 2018 VI Water Quality Standards triennial review?</p>	<p>It was set as a future review, not 2018 to be realistic about the timeline. DPNR hopes to address it for the 2018 WQS review, but can’t commit at this time as a certainty.</p>

20.	<p><i>Page 21: 4.3.4 Biological Assessment</i></p> <p>Comments on definition of “modified significantly”, “the natural range”, “moderate modification”, “At least one assemblage indicates non-support”:</p> <p>How will DPNR determine this?</p>	<p>These will be defined and/or quantified as a result future meetings to address biological assessment and the current data gaps.</p>
21.	<p><i>Page 22: Listing Categories- Category 3 & Category 3B</i></p> <p>Unless it is determined that the less than 8 quarters of data obtained is accurately characterizing the waterbody and the listing or delisting determinations will be made on a best professional judgement basis and will be noted in the narrative portion of the integrated report.</p>	<p>DPNR agrees and corrected this from four quarters to eight quarters.</p>